







Digitized by the Internet Archive  
in 2010 with funding from  
Lyrasis Members and Sloan Foundation



---

BY THE HOUSE OF DELEGATES,

FEBRUARY 10th, 1874.

On motion of Mr. Lancaster 1000 copies of Mr. Johnson's Bill was ordered to be printed.

By order,

MILTON Y. KIDD,  
Chief Clerk.

---

## A BILL

*Entitled an Act to Repeal the Act passed at the January Session eighteen hundred and seventy, Chapter three hundred and sixty-four, relating to the repeal of the Act of eighteen hundred and sixty-seven, Chapter one hundred and eighty-four, entitled an Act to repeal Article seventy-one of the Code of Public General Laws, entitled*

## “OYSTERS,”

*and also to Repeal the Act of eighteen hundred and sixty-eight, Chapter four hundred and six, and to re-enact the same with amendments.*

---

ANNAPO利S:

S. SANDS MILLS & L. F. COLTON,  
Printers to the House of Delegates.

---

1874.



# A BILL

*Entitled an Act to Repeal the Act passed at the January Session 1870, chapter 364, relating to the repeal of the Act of 1867, chapter 184, entitled an Act to repeal Article 71 of the Code of Public General Laws, entitled "OYSTERS," and also to repeal the Act of eighteen hundred and sixty-eight, chapter four hundred and six, and to re-enact the same with amendments.*

---

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the act passed at the January Session of Eighteen Hundred and Seventy, Chapter three hundred and sixty-four, relating to the repeal of the act of eighteen hundred and sixty-seven, chapter one hundred and eighty-four, entitled an Act to repeal Article seventy-one of the Code of Public General Laws of the State of Maryland, entitled Oysters, and that chapter four hundred and six of acts of eighteen hundred and sixty-eight relating to Oysters be and the same are hereby repealed and the following enacted in lieu thereof.

SEC. 2. *And be it enacted,* That no canoe, boat or vessel of any kind or description, whatever, shall be used or employed in taking or catching oysters for sale in the waters of this State with scoop, scrape, drag, dredge or any similar instruments, without having first been licensed as herein after provided for.

SEC. 3. *And be it enacted,* That the Comptroller of the Treasury shall, upon the application of any resident of the State of Maryland, being the owner of any boat or vessel licensed or enrolled in any Custom House of the United States in said State, or the owner of any open or undecked boat or vessel not subject to Custom House enrollment who may have a lawful certificate of her tonnage according to Custom House rule of measurement, issue to such resident a license to use or employ the said boat or vessel in taking or catching oysters with scrape, drag, dredge, or any

similar instrument within the waters of Chesapeake Bay, according to the limits prescribed in this act, and to buy and sell oysters in this State, provided that said license shall not authorize the taking or catching oysters with scoop, scrape, drag, dredge, or any similar instrument, between the first day of April and the first day of October in each year, which is hereby expressly forbidden; provided, also, that no oysters shall be caught in the waters of this State for the purpose of making lime, or manure; nor shall any steamboat, or other vessel propelled by steam, be used for catching oysters in the waters of this State.

SEC. 4. *And be it enacted,* That no license shall be issued to any person who has not been a resident of this State for twelve months next preceding such application, and the owner and owners and master of such boat or vessel when making application for such license shall each make oath or affirmation before the Comptroller, or his authorized clerk, that they are *bona fide* owner or owners and master of such boat or vessel to be described in the license for which they are applicants; that there is no lien on such boat or vessel held by any non-resident, that the said boat or vessel is not held with an intention or under an agreement to return her at any subsequent time to a non-resident, and that they will comply with and obey all laws regulating the taking and catching oysters in this State, and such applicant shall produce before the Comptroller, or his authorized clerk, at the time of such application, the Custom House enrollment or certificate of measurement in accordance with Custom House rule hereinafter provided.

SEC. 5. *And be it enacted,* That the Board of County Commissioners for each tide-water county is hereby authorized to appoint some person duly competent for each county requiring the same, who shall measure such open boat or vessel according to the Custom House rule of measurement, and the certificate of such person shall hereafter be a sufficient voucher as to the tonnage of such boat or vessel, upon which the Comptroller of the Treasury may issue license to such open boat or other vessel, under Custom House tonnage, in accordance with the provisions of this act, provided, that such person appointed as measurer shall receive for his services, for each boat measured, four dollars, and no more, under a penalty of twenty dollars for each offense.

SEC. 6. *And be it enacted*, That every applicant for license under the preceding sections of this act shall, before obtaining such license, pay to the Comptroller or his authorized clerk, therefor, the sum of three dollars per ton for every ton the boat or vessel for which he desires to obtain license, may measure according to Custom House enrollment or certificate according to Custom House measurement, and it shall be the duty of every person thus obtaining license to exhibit the same, whenever called upon to do so by any officer of the State of Maryland, or other person authorized to demand the same.

SEC. 7. *And be it enacted*, That the owner, owners or master of a boat or vessel violating any of the provisions of the preceding sections of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof by any Judge of a Circuit Court or Justice of the Peace, before whom such case may be tried, shall be fined not less than fifty, nor more than five hundred dollars, on forfeit the boat or vessel in possession of the party so offending, together with the papers, furniture and tackle, on board of said boat or vessel at the time of her seizure, in the discretion of the Judge or Justice of the Peace ; but nothing herein contained shall be construed to prohibit masters and owners of vessels from other States from buying oysters in this State, from any person or persons authorized by law to sell the same.

SEC. 8. *And be it enacted*, That it shall be unlawful for any owner, master or employee, or other person having a boat or vessel licensed under this act to take or catch oysters with scoop, scrape, drag, dredge, or any similar instrument, to use such boat or vessel in taking or catching oysters in any river, creek, cove, inlet, bay or sound, within the limits of any county, or lying between two or more counties of this State, or any oyster bar bed or rock within one and a-half miles of Sandy Point, or Talley's Point, or Thomas Point, or Horse Shoe Point, or Three Sisters, nor inshore of a straight line drawn from Parkers Island to Holland Point, on the western side of Chesapeake Bay, nor on Swan Point on the eastern side of Chesapeake Bay, nor in Eastern Bay within one and a-half miles of Poplar Island, or Low's Point, nor above a straight line drawn from Wade's Point to Green's Creek, southeast point of Kent Island, nor in Great Choptank River, above a straight line drawn from Black Walnut

Point to Cook's Point in said river, nor inshore of a straight line drawn from Cook's Point to Hill's Point, nor in Little Choptank river, except on James Point up to a straight line drawn across to Ragged Point; and any owner, master, employee or other person so offending shall, upon conviction thereof, before any Justice of the Peace, or Judge of a Circuit Court, for any County, be subject to the same fines and penalties, and the boat or vessel so used or employed be liable to seizure and forfeiture, as provided in Section seven of this Act, but neither this section or any other section of this Act shall be construed as a repeal of Sections ninety-four to one hundred and one, inclusive of Article nineteen of the Code of Public Local Laws of Somerset County, relating to Oysters, or of chapter eighty-one of Acts of eighteen hundred and seventy-two, relating to catching Oysters with scoops in Dorchester county.

SEC. 9. *And be it enacted,* That all boats vessels or other property condemned under any of the provisions of this act shall be sold by the Sheriff of the county wherever such boat, vessel or other property may have been condemned, at public sale, to the highest bidder for cash, after giving twenty days notice of the time and place of such sale by advertisement in one or more newspapers published in said county, but if the articles condemned be perishable in their nature, then the notice may be shorter than twenty days at the discretion of the Justice of the Peace or Judge, and by such other notice as he may deem expedient; provided, such sale shall not be made at a price less than one-half of the cash value of said boat, vessel, or other property, said valuation to be ascertained by three appraisers, to be appointed and sworn by said Sheriff, who are not interested in said property, and the proceeds of such sale or sales after deducting all the necessary and legal expenses of seizure, condemnation, and sales, shall be divided as follows, to wit: half of the balance to those aiding the officer to make such seizure and the residue shall be paid into the Treasury of the State; and provided further, if such seizure shall be made by the officers and crew of the Police Steamer herein-after provided for, then all the net proceeds accruing from such sale shall be paid into the Treasury of the State and credited to the oyster fund.

SEC. 10. *And be it enacted,* That any party or parties against

whom any Justice of the Peace, or Judge, may render a judgment under this act, either to pay a fine or condemnation of property, may at any time within forty days from the rendition of such judgment appeal from such judgment to the Circuit Court for said county wherein judgment may have been rendered; but no execution or sale shall be stayed unless the party appealing shall give bond with surety or sureties to the State of Maryland in double the value of the property condemned, or of the fine imposed as the case may be, the surety or sureties to be a resident or residents of the county in which said judgment was rendered, and who shall swear or affirm, that he or they are worth double the value of the property condemned, or of the fine imposed, as the case may be, with condition to prosecute such appeal with effect, and to pay the value of the property condemned or fine imposed, and all costs attending such proceedings in case such judgment shall be affirmed, and in all cases of appeal either party shall be entitled to trial by jury. [See Sec. 37.]

SEC. 11. *And be it enacted,* That whenever any offense is committed under any of the provisions of this act, within the waters of this State and not within the limits of any county, then any Justice of the Peace or Judge of any Circuit Court for any county, as the case may be most convenient of access from the place where the offense shall have been committed, shall have jurisdiction thereof, and all proceedings whether before a Justice of the Peace or Judge of the Circuit Court for any county, shall be in the name of the State, and if the party or parties accused shall be acquitted, the Comptroller of the Treasury shall pay the cost out of the fund created by this act.

SEC. 12. *And be it enacted,* That any boat or vessel owned wholly or in part by any non-resident, which may be used or employed by any resident or non-resident of this State in taking or catching oysters in any of the waters of this State with scoop, scrape, drag, dredge, or any similar instrument shall be liable to seizure and forfeiture, and upon conviction thereof before any Justice of the Peace or Judge of a Circuit Court for any county, or the Court of Common Pleas in the city of Baltimore, shall be condemned to be sold in the same manner and upon the same terms, and the proceeds of such sale or sales shall be disposed of as hereinbefore provided for,

SEC. 13. *And be it enacted*, That it shall be the duty of the Sheriff, constable, or other officer created under this act, with or without warrant, to arrest any person or persons, and to seize and take into custody any canoe, boat, or other vessel, wherever and whensoever such person or persons, canoe, boat, or other vessel, may be found violating or being used in violation of any of the provisions of this act, and bring the offender or offenders, the boat or vessel, before the Justice of the Peace or Judge of a Circuit Court most convenient or accessible, to be dealt with as herein provided.

SEC. 14. *And be it enacted*; That any resident of this State owning or having in his possession any canoe, boat, or vessel under Custom House tonnage, and desiring to use the said boat or canoe in catching oysters for sale with rakes or tongs in any of the waters of this State, shall first obtain by the application to the Clerk of the County Court in which he wishes to use said canoe or boat, a license therefor, and such license shall have effect from the first day of June in the year in which they shall be granted until the first day of June next succeeding; provided, that such license shall not authorize the use of said canoe or boat in taking or catching oysters in any creek, cove, river, inlet, bay or sound within the limits of any county other than that wherein the license shall have been granted, and that the boundaries of counties bordering upon navigable rivers shall be strictly construed so as not to permit the residents of either county to take or catch oysters beyond the middle of the dividing channel, nor authorize the taking or catching of oysters in the Patuxent river between the twentieth day of April and the tenth day of October in each year, except the taking and catching be from lands previously located and appropriated, or for the purpose of bedding and depositing the same under the provisions of this act, nor shall this section be construed as repealing chapter three hundred and fifty-nine, acts of eighteen hundred and seventy, relating to catching oysters with tongs and rakes in the waters of Queen Anne's and Kent counties.

SEC. 15. *And be it enacted*, That each and every license to take or catch oysters for sale, with rakes or tongs, shall state the name and residence of the person to whom the same is to be granted, the number, together with the length to be obtained by

top or over all measurement, of the canoe, or other boat to be licensed, the county in which the same is to be used, and the period at which said licenses will expire, and every applicant for such license shall pay to the Clerk of the Court where such license may be granted, and before issuing and delivery of the same, according to the following rates, viz: for any canoe or boat, measuring in length twenty feet or less, the sum of four dollars; measuring from twenty to twenty-five feet the sum of six dollars; measuring from twenty-five to thirty feet the sum of eight dollars; and all over thirty feet in length, including sloops under Custom House tonnage, the sum of ten dollars.

SEC. 16. *And be it enacted,* That every applicant for license to take or catch oysters with rakes or tongs shall be required to make oath before the Clerk authorized to issue the same, or before some Justice of the Peace, upon whose certificate of the taking of such oath, the Clerk shall issue said license, that the facts set forth in said license are strictly true, viz: that he is a bona fide resident of the county in which such application is made, and that he will obey and comply with all the provisions of this act, regulating the taking and catching oysters, and every person to whom such license may be granted shall be required to paint the number of said boat or canoe, on each side of the stern near the gunwale in legible figures, not less than four inches in length, and every person neglecting or refusing to comply with this latter provision shall on conviction before a Justice of the Peace pay a fine of not less than five or more than ten dollars.

SEC. 17. *And be it enacted,* That the Comptroller of the Treasury shall cause to be printed and delivered to the Clerk of the Circuit Court for the several counties the requisite number of such blank licenses, and take receipts for the same, as for other licenses furnished; and the said Clerks shall on the first Monday in March, June, September and December, in each year return to the Comptroller a list and account of such licenses issued by them, provided that no license to catch oysters with rakes or tongs, shall be issued to any boat or vessel, which is licensed to take or catch oysters with scoop, scrape, drag, dredge or any similar instrument.

SEC. 18. *And be it enacted,* That if any person shall use or employ any canoe, or other boat not licensed as required by the preceding sections of this act, in taking or catching oysters with

rakes or tongs, except for private use, he shall upon conviction thereof before any Justice of the Peace for the county wherein the offense has been committed, be fined not less than twenty nor more than one hundred dollars, or forfeit the boat or canoe so used or employed in the discretion of the Justice or Judge before whom the same may be tried; one-half of said fine to be paid the informer, the residue into the Treasury of the State, unless such information or arrest be made by the Oyster Police force.

SEC. 19. *And be it enacted,* That upon information given upon oath to any Justice of the Peace having jurisdiction of any violation of any of the provisions of this act, the said Justice of the Peace shall issue his warrant, in the name of the State, for the arrest of the offender or offenders, and for the seizure of such canoe, boat or vessel, together with the furniture and tackle on board, which warrant shall be directed to the Sheriff, or any Constable of the county wherein the said warrant is issued, or to any officer of the Oyster Police Force, or to the master of any canoe, boat or vessel, licensed under this act.

SEC. 20. *And be it enacted,* That if any person or persons on board any canoe, boat or vessel engaged in violating any of the provisions of this act, shall abandon the said canoe, boat or vessel, and flee so as to escape arrest, the officer endeavoring to make such arrest shall seize such canoe, boat, or vessel, and give information of such seizure to some Justice of the Peace or Judge of a Circuit Court most convenient or accessible from the place where such offense shall have been committed, and it shall be the duty of the said Justice of the Peace or Judge to docket a case in the name of the State against the said canoe, boat, or vessel, and to proceed without delay with the trial of the same, and if there be sufficient proof that said canoe, boat, or other vessel has been used or employed in violating any of the provisions of this act the said Justice of the Peace or Judge shall either render a judgment of condemnation against such canoe, boat, or vessel, her tackle, furniture, and apparel on board at the time of the seizure, or fine the said canoe, boat, or vessel, if under Custom House tonnage, not less than five nor more than twenty dollars, and if over Custom House tonnage not less than fifty nor more than five hundred dollars; provided, that when such seizure and information shall be effected by other persons than the

Oyster Police Force, such persons shall receive half the net proceeds of the fine, the residue to be paid into the Treasury.

SEC. 21. *And be it enacted,* That any person resisting any officer or other person authorized to make arrest and seizure under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court having jurisdiction, shall be fined not less than fifty or more than five hundred dollars, or be imprisoned in the jail of the county wherein the same is tried not less than one month or more than one year, and in case of bodily harm inflicted upon the officer or officers making the arrest the offender or offenders to be dealt with as prescribed in the Code of Public General Laws.

SEC. 22. *And be it enacted,* That it shall be unlawful for any person or persons licensed under any of the provisions of this act to take or catch oysters on Sunday, or at night, that is to say between sunset and sunrise, and any person or persons so offending shall upon conviction thereof be fined a sum not less than fifty nor more than two hundred dollars, in the discretion of the court trying the same.

SEC. 23. *And be it enacted,* That all moneys arising from sale of licenses, or from fines, penalties and forfeitures imposed under this act shall, upon warrant of the Comptroller, be paid into the Treasury and placed to the credit of the Oyster Fund; and the Comptroller is hereby required to state in his annual report, particularly, the receipts and expenditures on account of said fund, and the balance standing to the credit of the State at the time of making such report.

SEC. 24. *And be it enacted,* That the State's portion of all fines and forfeitures accruing under this act shall be paid by the Sheriff, or other officer collecting the same in ten days, to the Clerk of the Circuit Court of the County, or to the Clerk of the Court of Common Pleas, in the City of Baltimore, where such fine or forfeitures may accrue, and such clerk shall account for the same to the Comptroller of the Treasury in his quarterly returns.

SEC. 25. *And be it enacted,* That the Comptroller of the Treasury is hereby requested to have painted in black figures, on white canvass two sets of the numbers corresponding to the licenses to take Oysters with scoops, scrapes, drag, dredge, or any

similar instrument; each figure of which shall be twenty-two inches in height, and of proportionate width; and he shall give to each person taking out such license, two numbers thereof, one of which the captain of the vessel shall sew upon the star-board side, and in the middle of the close-reef of the main sail, and the other number upon the port side and in the middle of the jib, which is above the bonnet and reef; these numbers shall be sewed on the side of the sails in an upright position, securely attached to the sails, and worn at all times during the dredging season, and shall not be concealed, defaced or injured, and no other number, but the proper one shall be exposed to view on a licensed vessel, nor shall any number, other than that which is furnished by the Comptroller be used; any captain of a licensed vessel who shall violate the provisions of this section in whole or in part, shall upon conviction thereof, before any Justice of the Peace, or Judge of a Circuit Court for this State, most convenient, and accessible, pay a fine of not less than one hundred or more than two hundred dollars, and in case the captain shall be found to be an irresponsible party, then the vessel shall be liable for the fine and costs, and be held in custody until paid.

SEC. 26. *And be it enacted,* That the owner, or owners of any land bordering on any of the waters of this State, the lines of which extend into, and are covered by said waters, shall have the exclusive privilege of using the same for protecting, sowing, bedding or depositing oysters, or other shell fish within the lines of their own land, and any owner, or owners of land lying and bordering upon any of the waters of this State, shall have power to locate and appropriate in any of the waters adjoining his, her, or their land, five acres for the purpose of protecting, preserving, depositing, bedding, or sowing oysters, or other shell-fish, and that any other citizen of the State shall have power to locate or appropriate five acres in any of the waters of this State not located or appropriated; provided, that ten days notice be given the owner or owners, occupant or occupants of lands bordering on said water proposed to be located, that the owner or owners, occupant or occupants may have priority of claim, and if they shall fail to locate or appropriate the water mentioned, in said notice, within ten days after receiving the same, then it shall be open and free to any one to use or appropriate under the provisions of this sec-

tion ; provided also, that the said location or appropriation shall be described by stakes, bushes, or other proper and visible marks, metes and bounds, which description shall be reduced to writing, under the oath of some competent surveyor, and recorded at the expense of the party locating or appropriating the same in the office of the Clerk of the Circuit Court in the county wherein such lands may be located ; and provided, also, that such location or appropriation shall not injure, obstruct, or impede the free navigation of such waters ; and provided, further, that no natural bar or bed of oysters shall be so located or appropriated, and that six months' peaceable possession shall constitute a good and sufficient title thereto, but should any one within the six months hereinbefore provided be charged with locating or appropriating any natural bed or bar hereinbefore prohibited, the question may be at once submitted by any person to the Judge of the Circuit Court in the county where such question shall arise, who, after having given notice to the parties interested, shall proceed to hear the testimony and decide the case, and if the decision be in favor of the party locating said five acres, said decision shall be recorded, with the original record of said five acres, and shall in all cases be conclusive evidence of title thereto.

SEC. 27. *And be it enacted*, That if any creek, cove, or inlet, not exceeding one hundred yards at its mouth, make into the land or lands, or that if any creek, cove, or inlet of greater width than one hundred yards make into the land or lands, the owner or owners or occupant or occupants shall have exclusive right to use such creek, cove, or inlet, when the mouth of said creek, cove or inlet is one hundred yards or less in width, and when the creek, cove, or inlet is more than one hundred yards in width at its mouth, the said owner or owners, occupant or occupants shall have exclusive right to use such creek, cove, or inlet so soon as said creek, cove, or inlet in making into said land or lands shall become one hundred yards in width, for preserving, depositing, bedding, or sewing oysters, or other shell-fish, although such creek, cove, or inlet may not be included in the lines of any patent.

SEC. 28. *And be it enacted*, That if any person shall take with scoop, scrape, drag, dredge, or any similar instrument whatever, any oysters or other shell fish imbedded, planted or sown, in

accordance with the two preceding sections of this act, or any oysters growing on any grounds appropriated according to the provisions of said section, or shall carry, or attempt to carry the same away, shall be deemed guilty of a felony and liable to indictment, and on conviction thereof in any Court in this State having criminal jurisdiction, and shall be sentenced to the Penitentiary for a period not less than one nor more than five years.

SEC. 29. *And be it enacted*, That for the better protection of oysters and for a more efficient enforcement of the State Fishery Laws, that the waters of this State be divided into nine districts, viz: the waters of Somerset county to be the first district; the waters of Wicomico county the second district; the waters of Dorchester county the third district; the waters of Talbot county the fourth district; the waters of Queen Anne's and Kent the fifth district; the waters of Anne Arundel county the sixth district; the waters of Talbot county the seventh district; the waters of St. Mary's county the eighth district; the waters of Charles county the ninth district.

SEC. 30. *And be it enacted*, That hereafter the State Fishery and Oyster Police Force shall consist of one steamer, and that district police officers (who shall furnish their own boats) be appointed as hereinafter provided, to wit: one district police officer for the first district; one district police officer for the second district; two district police officers for the third district; one district police officer for the fourth district; one district police officer for the fifth district; one district police officer for the sixth district; one district police officer for the seventh district; two district police officers for the eighth district; one district police officer for the ninth district; provided, that the district police officers for Queen Anne's and Kent shall alternate from each county, so as not to be selected from the same county two consecutive terms.

SEC. 31. *And be it enacted*, That the Commissioners of the State Fishery Force shall appoint a commander for the steamer, and that the Board of County Commissioners for each county or counties embraced within the limits of the districts hereinbefore named shall appoint, subject to the approval of the Commissioners of the State Fishery Force, men who are practically acquainted with the fisheries to be the district police officers; the several

terms of office for each, including the commander of the steamer, shall be for two years, unless sooner removed for incompetency, or neglect of duty; and if any one of said officers shall fail to discharge their duty by reason of collusion with those interested in evading the law, he shall be deemed guilty of a misdemeanor, and upon presentment, indictment and conviction in a court of law, shall be fined or imprisoned, or both, at the discretion of the court.

SEC. 32. *And be it enacted*, That it shall be the duty of the commander of the steamer to keep his vessel constantly on duty, and especially to visit frequently those points where the oyster laws are more likely to be violated; that he shall have authority to board all vessels and examine their papers when engaged in the oyster business; that he shall exercise a general supervision over the waters of this State, and see that all the fishery and fowling laws are duly observed and obeyed, and that all warrants placed in his hands under authority of a Justice of the Peace or Judge of a Circuit Court shall be promptly served, the parties duly arrested and the boat, furniture and tackle, duly seized and disposed of in accordance with the provisions of this act herein before mentioned.

SEC. 33. *And be it enacted*, That it shall be the duty of the commander of the steamer to co-operate with the district police officers in each district whenever required, for the capture and arrest of violators of the laws, and he shall speak and communicate with each district police officer as often as practicable in making his circuit up and down the Chesapeake Bay and its tributaries, and shall assist all vessels or boats licensed to catch oysters in this State, whenever such boats or vessels may be ashore, disabled or otherwise in distress, whenever he can do so without endangering the safety of his own vessel, and that he shall make a full report of his proceedings at the end of every quarter, to the Commissioners of the State Fishing Force, and a bi-ennial report to the Legislature of his operations, and the condition of the State Fisheries, with such suggestions as he may deem necessary and proper upon the subject.

SEC. 34. *And be it enacted*, That it shall be the duty of each district police officer to daily patrol the waters of his district during the oyster season, and as often as may be necessary in the

summer season, for a proper enforcement of the laws; that he shall arrest all persons violating the oyster or fishery laws, that he shall serve all warrants directed to him by a Justice of the Peace, or Judge of a Circuit Court for the arrest of offenders, and shall have power to summon to his aid and to impress as many persons and boats, as may be necessary to make arrest or seizures; provided, that in all cases where others than the officers of the oyster police force are employed in making arrests and seizures, such person or persons other than the crew so employed on the district police boats, shall be entitled to one-half part of the net proceeds of the fine imposed or of the forfeiture or condemnation as the case may be.

SEC. 35. *And be it enacted,* That the district police force shall in all cases when practicable, co-operate with each other and with the oyster police steamer in making arrests and seizures, or in the enforcement of the oyster and fishery laws, and that they shall vigilantly observe all classes of boats or vessels engaged in the oyster business, and they shall have authority to board and examine all oyster vessels, their papers, oyster machinery and cargo, and whenever unable to make arrest of large vessels violating the law by reason of their fleeing, or otherwise, they shall immediately notify the Commissioners of the State Fishery Force, and the police steamer on her next visit to their district, giving name and number of such offending boat or vessel, and upon capture any where within the limits of this State, said boat and owners shall be liable to all the penalties prescribed in section seven of this act.

SEC. 36. *And be it enacted,* That it shall be the duty of any officer of the State Fishery Force to take the person or persons so arrested, the boat or boats, vessel or vessels, and other property seized into custody, and cause the said person or persons to be taken before some Justice of the Peace or a Judge of the Circuit Court for the county wherein the offense shall have been committed, or if outside the limits of any county, then to take the said person or persons before some Justice of the Peace or Judge of a Circuit Court most accessible to the place wherein the offense shall have been committed; and it shall be the duty of the Justice of the Peace or Judge before whom such person or persons shall have been taken by said officer, to take cognizance of the

same and docket a case or cases against such person or persons, and the said boat or vessel, and the said Justice or Judge shall proceed to try the same and render judgment as provided for in this act.

*SEC. 37. And be it enacted,* That in all cases arising under this act the Justice of the Peace or Judge before whom any person or persons may be brought, shall proceed to docket a case or cases in the name of the State against the person or persons so charged and the boat or vessel employed or used, and shall proceed immediately to try the same, unless the party or parties so charged, shall state upon oath, that further time is necessary to enable them to prepare for his or their defense, and to procure attendance of witnesses, in which case the said Justice or Judge shall appoint a day for the trial of the same, and shall cause the said party or parties to enter into a recognizance with surety or sureties, appointed by said Justice or Judge in a sum not less than five hundred dollars for his or their appearance on said day, said surety or sureties to be resident or residents of the county in which the case is tried, and shall swear or affirm that he or they are worth double the amount of the recognizance required, and in default thereof may commit the said party or parties to jail ; and if, upon said trial it shall appear to the satisfaction of said Justice or Judge that any violation of this act, has been committed by the party or parties and that said boat or vessel has been used or employed in said violation of this act or any of its provisions, the said Justice or Judge shall render judgment of condemnation against the said boat or vessel, her tackle and furniture, on board at the time of her seizure, or fine the said party or parties at his discretion as hereinbefore provided.

*SEC. 38. And be it enacted,* That the salary of the commander of the steamer shall be fifteen hundred dollars per annum, which shall be paid to him monthly by the Treasurer upon the warrant of the Comptroller, and he shall have power to appoint one first officer, at six hundred dollars per annum ; one second officer at five hundred dollars per annum ; one chief engineer at one thousand dollars per annum ; and one fireman at thirty-five dollars per month ; and one fireman at thirty dollars per month ; and two able bodied seamen at thirty dollars per month ; and two ordinary seamen at twenty dollars per month ; and one stew-

ard at twenty-five dollars per month; and one cook at twenty dollars per month.

SEC. 39. *And be it enacted*, That the officers and crew aforesaid shall each receive one ration per day, of such quality and quantity as is allowed by law to the officers and crew of the revenue marine of the United States, and that the officers and crew aforesaid shall be paid monthly by the Treasurer, upon the warrant of the Comptroller, and the certificate of the commanding officer, that their duty has been faithfully performed as required by law.

SEC. 40. *And be it enacted*, That the commanding officer of the police steamer shall have authority to prescribe rules and regulations for the government and discipline of his ship and crew, which shall be submitted to the Commissioners of the State Fishing Force, and if approved by them, shall have force of law and be binding upon the officers and crew aforesaid.

SEC. 41. *And be it enacted*, That in case of the death or permanent disability of the commanding officer aforesaid, the commissioners aforesaid shall have authority to fill the vacancy.

SEC. 42. *And be it enacted*, That the said Commissioners shall have authority to keep the said steamer in suitable running repair, and to supply arms and ammunition, and the Treasurer of the State, upon the requisition of the Commissioners aforesaid, and the warrant of the Comptroller, is hereby directed to pay the sum or sums necessary for carrying out the provisions of this section.

SEC. 43. *And be it enacted*, That the officers of the district police force hereinbefore named, shall be required to furnish their own canoe, or other suitable boat and crew for the performance of their duties, and that their salaries shall be seven hundred dollars each per annum, payable monthly by the Treasurer upon the warrant of the Comptroller.

SEC. 44. *And be it enacted*, That the commander of the steamer before entering upon the discharge of the duties of his office shall take before a Judge of one of the Circuit Courts for the State, the oath prescribed by the constitution, and shall inter into bond to the State of Maryland in the sum of ten thousand dollars to be approved by said Judge, for the faithful performance of his duties, and that each officer of the district police force shall

take the above oath in the same manner and form, and shall each enter into a bond to the State of two thousand dollars for the faithful performance of their duties.

SEC. 45. *And be it enacted,* That the Commissioners of the State Fishing Force be required to receive all arms, ammunition and equipments aboard of the two sailing sloops, and that they are hereby directed to sell the two sloops after two weeks publication in the Baltimore daily American, daily Gazette, and daily Sun, and two weeks in the daily Norfolk Journal, the said sales to be made to the highest bidder for cash, the net proceeds to be credited to the oyster fund.

SEC. 46. *And be it enacted,* That this act shall take effect from the date of its passage.

---

#### ESTIMATES OF COST UNDER THIS BILL.

9 District Officers, at \$700 per annum.....	\$6,300 00
Commanding Officer of Steamer, per annum.....	1,500 00
First Officer                  "                  "                  .....	600 00
Second Officer                "                "                .....	500 00
1 Chief Engineer             "                "                .....	1,000 00
2 Able-bodied Seamen, \$30 per month.....	720 00
2 Ordinary Seamen, \$20        "                "                .....	480 00
1 Fireman, at \$35            "                "                .....	420 00
1 Do.                        \$30                "                .....	360 00
1 Steward,                \$25                "                .....	300 00
1 Cook,                      \$20                "                .....	240 00
Wages of whole force per annum,.....	\$12,420 00
Estimated Cost of Rations for 12 men per annum,     1,728 00	
Estimated Cost of Coaling and Repairs,                5,000 00	
	\$19,148 00
Cost of Wages under Old Bill for Steamer and 2 Sail-boats,.....	\$11,980 00
Cost of running Force and Repairs for the year 1873 under Old Bill.....	24,107 17
Amount saved to the State under present Bill after paying for 9 District Officers.....	\$4,959 17



UNIV. OF MD COLLEGE PARK



3 1430 03833075 1



SEPT '75



N. MANCHESTER,  
INDIANA

